



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
June 21, 2016

WORK SESSION

- 1. CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 5:32 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, Jennifer Kuiper, and Linda Henderson. Councilor Sally Robinson was absent.
- 3. STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. TOPICS:**

A. City Property Report

Assistant City Manager Tom Pessemier provided the Council with a handout regarding the City's property assets (see record, Exhibit A) and a map illustrating the City/URA owned properties (see record, Exhibit B). He said Exhibit A describes the properties that are not fully utilized or have some redevelopment potential in the foreseeable future. He referred to the map which identifies 13 properties and represents the 256 properties the City owns but the vast majority of those are undevelopable and in wetlands and floodplains and are noted in blue on the map. He said the red properties are vacant properties owned by the City. He said the public buildings are in dark blue and the parks are in green. He said after he reviewed the 256 properties owned by the City he determined that only 13 were identified as developable and 7 of those are already fully developed and include: City Hall/Library, Center for the Arts, Cannery Square Plaza, Heritage Center, Senior Center and Police Building (Lot 2). He discussed the 7 remaining properties in detail.

He identified the Public Works Community Garden and said that land was vacant until they added the Community Garden. He said it was purchased along with the Public Works Building and purchased with Utility Funds. He mentioned that if the property is developed the funds have to be paid back with interest first. He said at one time an extension of Foundry connecting to Oregon Street was proposed but limitations of the intersection at Oregon Street makes that unfeasible. He said there is still some right-of-way that could be vacated on the east side of the property. He stated there aren't many current opportunities with the property and now it is a Community Garden. He said it is zoned Institutional Public.

He identified the City Recreation Center (YMCA) and said it is zoned Low Density Residential (PUD) and was purchased with a bond and the source of funds is the General Fund. He referred to the vacant land around the current facility which has been discussed for a skate park or other recreational use. He said potentially they could develop residential properties along Woodhaven Drive based on the zoning. Discussion followed.

He identified the Public Works Building/Fieldhouse and said it was purchased and the existing building was renovated into a public works/fieldhouse. He noted that developers have approached the City in the past for housing development. He said the building is small for a public works building and if they moved it is potentially a developable asset. Discussion followed.

He identified the Police Facility (Lot 1) including vacant property which is being used for a police dog exercise area. He said it is zoned Retail Commercial and the source of funds to purchase the property was the General Fund.

He identified the Kruger-Elwert Property which was purchased with Transportation Funds for the roundabout project which will use about 5 acres and leave 15 acres of undeveloped land. He said it is zoned Exclusive Farm Use. He said if it comes into the UGB there will be a significant development potential. He noted the property is already worth more than the City paid for it. Discussion followed.

He identified the property that contains Well #4 as having the most development potential. He said the well is planned to be capped next fiscal year and the property is .55 acres and zoned Institutional Public. He said it could be residential or parks and recreation and the funds would have to go back to the Water Fund.

He identified the Snyder Park property which is primarily a park with a dog park. He said in 2008 there was a subdivision proposal for the properties along Pine Street which was approved but the subdivision was not recorded and the land use has expired and would now have to go back through the land use process. Discussion followed.

He recapped the discussion and asked for direction from the Council. Council asked for estimated values on some of the properties particularly Well #4. Tom said the .55 acres could potentially be worth \$150,000-\$200,000 which would go back to the Water Fund. Discussion followed regarding a potential park or dog park. Council asked staff to do more research on potential use.

B. City Attorney Evaluation Criteria

Mr. Pessemier provided the Council with an example of a City Attorney Evaluation from the City of Klamath Falls and the City of The Dalles (see record, Exhibit C) and said it follows a similar pattern to what Sherwood already has for the City Recorder and City Manager whereby there are criteria from 1 to 5 and questions that go along with it. He said the City Attorney's contract states that the evaluation criteria will be provided to the City Attorney before the evaluation. He asked the Council to determine the criteria they would like to use when evaluating the City Attorney.

Councilor Kuiper said the Klamath Falls evaluation example is good but The Dalles has more description detail.

Mr. Pessemier asked Council if they still wanted to use the scale of 1 to 5.

Council agreed that they preferred the format of the Klamath Falls example and would support including the content from the The Dalles example in the same format.

Mr. Pessemier said he would develop draft criteria which will be part of a resolution adopting the criteria for review and evaluation and potentially the process. He discussed the process and provided the Council with a copy of Resolution 2015-073 which adopted evaluation criteria and process for the City Manager (see record, Exhibit D). He referred to the resolution which discusses the purpose, process and instructions. He commented that the Klamath Falls process is closer to what the Council has done in the past and includes more detail.

City Attorney Josh Soper referred to the recent City Recorder and City Manager evaluations and agreed with Mr. Pessemier that there is need to structure the process where Council can meet with the employee and without the employee which is spelled out in the Klamath Falls example.

City Manager Gall noted that his evaluation included comments from the senior management and asked if that would be the same for the City Attorney for consistency. Mayor Clark asked Mr. Soper if that would be of value. Mr. Josh asked the Council to consider the need for keeping the evaluations anonymous since the senior management does not report directly to him. Councilor Brouse suggested still providing the senior management with the option to remain anonymous. Discussion followed.

Mr. Pessemier said Mr. Soper's evaluation is scheduled to be completed before November according to the contract. Council agreed that the evaluation should be completed sooner to be consistent with the timing of the contract which expires on August 10, 2018.

5. ADJOURN:

Mayor Clark adjourned the work session at 6:42 pm and convened to a regular session.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Clark called the meeting to order at 7:03 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, Jennifer Kuiper, and Linda Henderson. Councilor Sally Robinson was absent.
- 3. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Ty Hanlon, Interim Finance Director Cathy Brucker, Police Captain Mark Daniel, Public Works Director Craig Sheldon, Community

Development Director Julia Hajduk, Planning Manager Brad Kilby, Community Services Director Kristen Switzer, Center for the Arts Manager Maggie Chapin, Library Manager Adrienne Doman Calkins, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark asked for a moment of silence for the Orlando tragedy.

Mayor Clark addressed the next agenda item and asked for a motion.

4. APPROVAL OF AGENDA:

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

5. CONSENT AGENDA:

- A. Approval of June 7, 2016 City Council Meeting Minutes**
- B. Resolution 2016-033 Approving the City Recorder's canvassing of the election returns of the May 17, 2016 Washington County election and directing the City Recorder to enter the results into the record**
- C. Resolution 2016-034 Authorizing the City Manager to enter into a contract with Blackline, Inc. for the 2016 Slurry Seal Program**
- D. Resolution 2016-035 Certifying the provision of certain municipal services in order to qualify the City to receive state revenues**
- E. Resolution 2016-036 Authorizing the City Manager to execute a construction contract for the Woodhaven Park construction**

MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda.

6. PRESENTATIONS:

A. Recognition of Eagle Scout Award Recipient

Mayor Clark called forward Kyle Davis and asked him to describe his Eagle Scout project. Kyle said he took pictures of over 1000 headstones at Valley View Memorial Park Cemetery and transcribed the images online. He said he had 20 volunteers help with the picture taking and 5 to 10 helping with the transcriptions. Mayor Clark presented Kyle with a certificate of achievement and thanked him for his service.

Mayor Clark stated that she will read the proclamation for the Robin Hood Festival at the Knighting Ceremony and also read the proclamation before the Council. She declared Robin Hood Festival July 15-17, 2016 and encouraged citizens to recognize and participate in the festivities.

Mayor Clark addressed the next agenda item.

7. CITIZEN COMMENTS:

With no citizens coming forward Mayor Clark addressed the next agenda item.

8. NEW BUSINESS:

A. Resolution 2016-037 Adopting the Capital Improvement Project Plan for Fiscal Year 2016-17

Interim Finance Director Cathy Brucker recapped the staff report which included the Capital Improvement Plan (CIP) summary. She said the approval of the CIP is necessary for the expenditure of certain funding sources and noted that it is only a plan. She stated the CIP will continue to be scrutinized annually for revisions and updates.

Mayor Clark noted that this is a plan and does not obligate funds. With no other comments received, the following motion was stated.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2016-037 ADOPTING THE CAPITAL IMPROVEMENT PROJECT PLAN FOR FISCAL YEAR 2016-17, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item.

B. Resolution 2016-041 Transferring budget expenditure appropriations between categories for budget year 2015-16

Interim Finance Director Cathy Brucker recapped the staff report and stated the resolution balances the budget appropriations for FY 2015-16 with actual expenditures with additional activities posted through mid-June. She said there was one last review with a conservative approach towards budget to actual balances and in order to remain in compliance with Oregon Budget Law the staff determined that these two adjustments were prudent for the end of the year. She said this resolution does not increase expenditure authorization within the General Fund, it only moves money from Public Works to Community Development and Community Services. She said additional appropriation is needed in Community Development to help offset personnel costs that were originally budgeted to Capitol Projects but remained in the General Fund due to development schedules. She stated Community Services also exceeded personnel costs due to increased activity. She said they need to move an additional \$10,000 in but it is fully offset by additional revenues earned within events and volunteers. She said the effect of these transfers on beginning fund balance for FY 2016-17 will be minimal.

Mayor Clark clarified that this is a cleanup. Ms. Brucker said yes. With no other comments received, the following motion was stated.

MOTION: FROM MAYOR CLARK TO APPROVE RESOLUTION 2016-041, SECONDED BY COUNCILOR KING. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next item on the agenda and the City Recorder read the public hearing statement.

9. PUBLIC HEARINGS:

A. Ordinance 2016-008 Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code

Community Development Director Julia Hajduk recapped the staff report and provided a presentation (see record, Exhibit E). She noted that this is the second hearing and provided a brief background and said the City adopted the Tonquin Employment Area Concept Plan in 2010 and recently realized that during the code update in 2012 they unintentionally made changes that resulted in very few industrial use types being permitted or conditional in that zone. She noted the intent was to be more general with the type of uses that are allowed and to be more specific with the type of uses that they do not want in the City. She reviewed the criteria that the text amendment needs to comply with and stated that it needs to be based on a need, identified by the Council or Commission, consistent with the Comprehensive Plan and applicable with any State or City statutes or regulations. She noted in the staff report the Planning Commission recommendation outlines the findings that demonstrate compliance with all the applicable criteria including the Comprehensive Plan Chapter 4 as well as the Metro Title 4 standards. She said the Planning Commission recommended approval on April 12, 2016. She stated the Planning Commission did recommend some additional changes which are included in this ordinance and they unanimously recommended approval to the Council.

She added that since the Council initially approved the first reading of this ordinance on May 3, 2016 staff did receive additional written testimony from Ms. Barnard which was provided to the Council (see record, Exhibit F). She stated staff continued to review the proposed code changes and is now recommending that Council consider an additional change. She said as staff continued to look at standards for public and utility structures including but not limited to telephone exchanges, electric substations, gas regulator stations, treatment plants, water wells and public works yards they realized that in the Employment Industrial zone the area is underdeveloped and there are specific types of uses and specific visions for the area that those types of uses being out right permitted may not be compatible in all situations. She stated staff is recommending that Council make an additional amendment to the Planning Commission recommendation of approval to make that a Conditional Use rather than Permitted. She said if the Council chooses to accept this staff recommendation the staff report includes motion language that the Council could consider making.

Council President Harris referred to the testimony from Ms. Barnard and asked if that is a concern. Ms. Hajduk said the issues Ms. Barnard is referring to would be addressed when the area is brought into the City and there is an actual site development proposal. She said at that time they would consider the impacts.

With no further Council questions Mayor Clark opened the public hearing. With no one coming forward to testify Mayor Clark closed the public hearing.

Councilor Kuiper clarified that conditional use gives the City more flexibility. Ms. Hajduk said it provides for more discretion.

Councilor Henderson asked Ms. Hajduk to describe how these changes would be of benefit to development for Sherwood in the future in industrial areas. Ms. Hajduk said this will provide more clarity and more certainty as to what types of uses are allowed. She said the idea is to be more general with what is allowed and more specific with what is not allowed.

With no other comments or questions, the following motion was stated.

MOTION TO AMEND: MAYOR CLARK MOVED THAT THE PROPOSED CODE CHANGES SHOWN IN EXHIBIT A TO ORDINANCE 2016-008 BE AMENDED TO CHANGE “PUBLIC AND PRIVATE UTILITY STRUCTURES, INCLUDING BUT NOT LIMITED TO TELEPHONE EXCHANGES, ELECTRIC SUBSTATIONS, GAS REGULATOR STATIONS, TREATMENT PLANTS, WATER WELLS AND PUBLIC WORK YARDS” FROM P (PERMITTED) TO C (CONDITIONAL) IN THE EI ZONE, SECONDED BY COUNCIL PRESIDENT HARRIS. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

MOTION AS AMENDED: COUNCIL PRESIDENT HARRIS MOVED TO READ CAPTION AND ADOPT ORDINANCE 2016-008 AMENDMENT TO CHAPTER 16.31 (INDUSTRIAL USES) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item.

B. Ordinance 2016-010 Amending Section 16.162.040 to allow public and private parking lots on a residentially zoned lot within the Old Town Overlay

Planning Manager Brad Kilby stated this is a proposal by the Urban Renewal Agency (URA) to make public and private non-accessory parking a conditional use within the Old Town Overlay on residentially zoned property provided that they are located on an arterial or collector and that the lot was vacant as of May 1, 2016. He noted this only applies to one lot. He reviewed the three criteria that need to be met which includes establishing a need, meeting the transportation and planning rule, and is consistent with the Comprehensive Plan. He said the Planning Commission made a recommendation to the City Council to approve the ordinance. He stated the noticing requirements have been met and there has not been any additional public comments. He said staff recommends the Council have a second hearing and approve the legislation.

With no questions from Council, Mayor Clark opened the public hearing.

Eugene Stewart approached the Council and commented that moving the cars from the Robin Hood lot to this proposed parking lot does not make sense. He asked why the lot is not rezoned commercial. He suggested Council make these changes when they revise the comprehensive plan. He said there has been piecemeal planning for parking for businesses downtown. He commented on the history of parking requirements in Old Town and said the current policy needs to be changed. He said parking is going to be an issue if a new restaurant goes into the Center for the Arts and they will need guaranteed parking. He said Council should put this ordinance on hold to get a comprehensive review of the Old Town area and come up with one good plan.

With no other testimony received Mayor Clark closed the public hearing.

Councilor Henderson referred to Mr. Kilby's comments that this applies to only one lot, meets the two criteria of no buildings existed on May 1, 2016, and frontage on an arterial or collector street. Mr. Kilby said that is correct. He stated there are two adjacent lots owned by the URA that are 50x100 and one lot is zoned residential and the other is zoned retail commercial. He said currently parking is not allowed on the lot that is zoned residential. He stated that it applies to only the lot owned by the URA.

Councilor Kuiper asked if this would apply to the lot adjacent to Symposium Coffee. Mr. Kilby said that is zoned commercial.

With no further questions Mayor Clark asked for a motion.

MOTION: FROM COUNCILOR HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2016-010 AMENDING SECTION 16.162.040 TO ALLOW PUBLIC AND PRIVATE PARKING LOTS ON A RESIDENTIALLY ZONED LOT WITHIN THE OLD TOWN OVERLAY, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item.

C. Resolution 2016-038 declaring the City of Sherwood's election to receive State Revenues

Interim Finance Director Cathy Brucker said the adoption of this resolution is an annual requirement to be eligible to receive State shared revenues. She noted this specific revenue is derived from a portion of the liquor tax and is anticipated to generate \$210,000 into the General Fund.

With no questions from the Council, Mayor Clark opened the public hearing. With no public testimony, Mayor Clark closed the public hearing.

With no questions from the Council, Mayor Clark asked for a motion.

MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-038, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item.

D. Resolution 2016-039 Adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City services and establishing an effective date

Interim Finance Director Cathy Brucker stated this resolution encompasses the annual update to the City Fee Schedule. She stated there are quite a few changes that have been explained in the staff report and rather than reviewing each change she asked the Council if they had any questions.

Councilor Kuiper asked for an example of a utility operator that does not sell services within the City limits. City Attorney Josh Soper said there is currently not one but this is trend in the telecom industry where telecom companies are putting facilities in the right-of-way and not providing services directly and are reselling. City Manager Gall noted that Sherwood did not have a fee to charge and they are using the public right-of-way.

Councilor Kuiper referred to System Development Charges (SDCs) under Section 7 and commented that CWS (Clean Water Services) is raising the sewer SDCs by 4.3% and asked when the last time CWS had an increase was. Ms. Brucker stated they increase every year.

Councilor Kuiper referred to Section 8 under miscellaneous fees and asked what a suite is. Ms. Hajduk stated those are addresses.

Councilor Henderson said recently there has been a trend that the Sherwood Field House is no longer breaking even and referred to the proposed team fee increase and asked if that was the only Field House fee that was requested to be reviewed. Ms. Brucker said yes.

Community Services Director Kristen Switzer said the team fees will increase by \$50 if approved and said the daytime fees will also increase from \$35 to \$40 and the birthday party fee will increase from \$110 to \$150 and the open play fee will increase from \$4 to \$5. She noted the increase will not make up the difference but will slowly increase in order to stay competitive in the market.

With no further questions from the Council, Mayor Clark opened the public hearing.

Tess Kies, Sherwood resident came forward and asked what arbitrary miscellaneous fees are and who determines them. Ms. Brucker said within certain categories there are miscellaneous fees.

City Manager Gall said there is a master fee schedule that is adopted by Council and they use the word miscellaneous to include numerous types of fees instead of highlighting each fee in the fee

schedule. Mayor Clark clarified that all of the miscellaneous fees are listed out in the fee schedule. Mr. Gall said yes.

Councilor Henderson referred to the staff rates of 200% of the hourly rate and the proposed rate of fully loaded and asked if that was an industry standard. She asked if the new accounting system will track this. Ms. Brucker said this is calculated at the time of the budget preparation so it is easily verified and recalculated if necessary.

Eugene Stewart, Sherwood property owner came forward to testify and said the water level tables are rising and asked why the City can't use some of that water for the citizens to water their yards. He asked if that is a reserve and shouldn't we be using it and improve the landscaping at 6 corners. He said that water should be inexpensive and be blended in so we can help control what people are paying and give them the opportunity to use more and increase water revenues. He commented on the CWS increases and asked why the Mayor's in Washington County don't protest these increases. He said staff and Council should voice an opinion to CWS. Mr. Gall asked Public Works Director Craig Sheldon to answer the question regarding the City wells.

Mr. Sheldon said new pipes would have to be put in the ground for irrigation to use well water for irrigation. He commented on offsetting the cost and said the wells are put into emergency mode with the State of Oregon. He said they received a lot of complaints regarding markings from the wells when they were operating and they don't have those complaints anymore. He said if we use the well water to offset, it will drive the costs at the plant because the supply and demand will not be the same. He said it is something that could be done but noted they do not have the water quality complaints that they used to have when using well water. He said there is a process to put the wells back in line with the State and that would require more sampling.

With no further public testimony Mayor Clark closed the public hearing.

Councilor Henderson referred to the Clean Water Services increases in storm and sewer rates and said just for sanitary, rates have increased over the past 4 years 21.8% for CWS. She noted that is the other half of the water bill and it seems like a lot.

MOTION: FROM COUNCIL PRESIDENT HARRIS TO ADOPT RESOLUTION 2016-039, SECONDED BY COUNCILOR HENDERSON. MOTION PASSED 6:0, ALL MEMBERS VOTED IN FAVOR (COUNCILOR ROBINSON WAS ABSENT).

Mayor Clark addressed the next agenda item.

E. Resolution 2016-040 Adopting the FY2016-17 Budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget

Councilor Brouse recused herself stating it was based on the recommendation from the Oregon Ethic Commission and pursuant to ORS 244.020 and declared a conflict of interest in regards to the final vote for the 2016-17 City of Sherwood budget due to the reference of the City Recreation Center and the operator YMCA. She stepped down from the dais.

Interim Finance Director Cathy Brucker stated that on May 12 and May 19 the Sherwood Budget Committee received the budget message and heard public comment and on May 26, 2016 the Budget Committee approved the proposed budget with the following changes, resulting in the approved budget for FY2016-17. She noted the changes consisted of: increasing the City Manager Department by \$10,000 for the Robin Hood Festival contribution, add a Code Compliance position (0.50 FTE) to the Planning Department and reallocate the Code Enforcement Officer from 0.50 to 1.00 FTE in the Police Department for a net cost of \$31,352 and reducing water operations by \$75,000 with removal of a duplicated project. She stated notice of the approved budget has been noticed in accordance with Oregon Local Budget Law. She said the final steps of the budget process are for City Council to hold a public hearing per ORS 294.453 and then adopt the FY2016-17 budget.

Mayor Clark opened the public hearing.

Alan Pearson, Sherwood resident came forward and said he is running for City Council on the platform of protecting Sherwood tax dollars from unnecessary and wasteful spending. He said this is relevant with the passing of the ballot measure that passed in May that limits the increase in fees. He said this budget includes a \$60,000 part time police officer and said that is excessive and the City Manager agreed that this position was unnecessary. He noted that Sherwood paid for a rather expensive police survey that said in essence the Police Department is adequately staffed. He referred to the survey which noted that two thirds of our officers' time is proactive which means they are waiting around for something to do. He stated that the problem is not hiring an additional staff person but better management of the staff the department has. He stated if two thirds of the officer's time is spent waiting to do something they should reassign and reorganize the department so they can perform this function. He said taking money from the contingency fund does not solve the problem as the contingency fund is designed to handle an emergency. He stated the City will have to raise fees and taxes to fill this job. He noted the voters sent a clear message in May which was the City is spending too much. He said this is not a necessary position and is wasteful spending. He asked the Council to reconsider this position before approving the budget.

With no further public testimony Mayor Clark closed the public hearing.

Mayor Clark said she voted against the addition of the 0.50 FTE Code Compliance Officer at the Budget Committee for several reasons. She said this is unnecessary spending according to the Police Department Staffing Study which Sherwood paid good money for. She said the study stated that there is proactive time available to patrol officers averaging 69% and that the department is currently fully staffed at an appropriate level and there is no need for additional police staff. She said to add police staff when the study says we do not need it, when the City Manager is recommending against it and when the citizen comments included in the staffing study do not request a Code Compliance Officer is not worth using the contingency fund. She commented that if this is something that citizens do want then it can be considered in the future after the City has received the inquiry request back from Washington County regarding them taking over the night service and perhaps there will be an opportunity to reallocate funds in the Police Department. She said at this juncture the numbers don't add up and we are asking the citizens to pay for something that the study says is unnecessary and that does not seem to be fiscally responsible budgeting.

She stated she will not support a budget that increases the budget in this way and made the following motion.

MOTION TO AMEND: MAYOR CLARK TO REMOVE THE HALF TIME POSITION DURING THE BUDGET AND RETURN THE \$31,352 TO THE CONTINGENCY FUND, SECONDED BY COUNCIL PRESIDENT HARRIS.

Prior to a vote, discussion followed.

Councilor Kuiper clarified that this is a half time position in the Planning Department that would do code compliance and it would then become a full time position in the Police Department to do enforcement. She said this was a close voted in the Budget Committee and she has been reconsidering her position and is concerned about adding staff when there is PERS to deal with. She said Sherwood will need about \$250,000 in additional operating costs next year due to PERS. She stated she would like to have a Code Compliance Officer but it is difficult when there is \$250,000 of additional money needed. She said the revenues are flat. She stated she is not in favor of this and commented that it is easier to hire than eliminate someone and she would like to see what happens over the next few years as the City deals with the effects of PERS and determines how to pay for it before adding a half time position.

Councilor King noted that the reason why this position was added is because they wanted to divide the code enforcement and code compliance because the code enforcement will now handle all of the evidence. Captain Hanlon clarified that the position has always done all of the evidence.

Councilor King said yes and stated that now there is so much evidence that the position does not have time for anything else. Captain Hanlon said that since 2008 the evidence portion has continued to increase. Councilor King noted that it will continue to increase with the addition of cameras and that is the reason they wanted to remove the responsibility of code compliance and move that responsibility to the Planning Department which is a better place. He commented on efficiencies and said some livability issues regarding code compliance have been neglected. He referred to the PERS issue and said this is only a half time position and PERS now has different tiers.

Council President Harris said she does not disagree with Councilor King and said she is an advocate for a Code Compliance Officer but this is not her money and the citizens do not want us spending money in fiscally irresponsible ways. She stated the police staffing study said the Police Department does not need any more staff. She noted there is some reorganization that needs to take place to help with evidence. She said the code compliance issues are mainly about signs which is not as important as evidence. She stated the citizens don't want us spending money we don't have and spending must be justified and noted this is not a justified expense. She said she voted against this previously and will vote against it tonight.

Councilor Henderson said this was a motion that she made with Councilor Robinson during the budget process because code and evidence do not belong in the same department. She said evidence is a top priority. She referred to the staffing study and said it was one of the recommendations to create a community services officer and make the code enforcement a full

time position. She said the police staffing study suggested two positions will be needed as the City continues to grow and recommended expanding the volunteer services. She said at the Budget Committee the vote was 8 to 4 in favor of adding the position with Councilor Robinson, Chair McConnell, Amy Kutzkey, Kurt Studer, Councilor King, Councilor Kuiper, Councilor Brouse and herself all voting in favor. She stated she has a hard time rationalizing giving \$10,000 to the Robin Hood Festival which is taxpayer dollars and coming out of the General Fund and potentially the contingency fund. She said this has been an ongoing issue since she has been on Council and it is because there has not been a dedicated effort as far as being proactive on compliance. She referred to the Mayor and Mr. Pearson's comments regarding 69% of proactive or idle time and said she compares that to when she worked as a lifeguard where you are always looking, anticipating, waiting and watching for something to happen. She said that is proactive and it is a disservice and an insult when we categorize that time as an inefficient use of staff. She commented that it is the reason why we have such low crime and why people live here. She said we have the same amount of officers per capita as in 2005 but yet more people living here. She stated she does not necessarily agree that proactive time is wasteful and mismanaged and said having done multiple ride-alongs she considers this to be tenacity and patrolling is why crime goes elsewhere. She noted this is a long time position that should be filled for livability purposes and the City Manager has said for three years that this position should be moved to the Planning Department. She said the budget is still balanced with the addition of this half time position and said there is \$45,000 budgeted for a study to determine if the City could run the recreation facility and commented about PERS liability and said if the City ran that facility every position would be a PERS employee unless they worked 10 hours a week. She noted that PERS will continue to go up and down and she does not like to make decisions based on threat. She said to blame PERS on everything is an excuse and not rational. She stated the \$45,000 will be spent with a consultant and the City will never get that money back.

Mayor Clark asked Councilor Henderson to keep to the topic.

Councilor Henderson said when the City gets that document from the consultant it will go on the shelf. She said this is a livability issue and she would like to see where the City would get money for other projects such as paying the Council in the future.

Mayor Clark noted that we are going off topic.

Councilor Henderson she said she is sorry that Councilor Kuiper voted for this to begin with and thought it was a good idea and said she feels passionate about the issue and so did Councilor Robinson who was unable to attend tonight. She stated this is something that the community needs and it is clear it is not going to happen and it is unfortunate that other members of the Budget Committee agreed with it and now it may be removed.

Councilor Kuiper addressed Councilor Henderson's comments and said this was a topic of great discussion and there were a lot of Budget Committee members on the fence. She said after doing some consultation with other members in her neighborhood and talking with people her decision is that she does not disagree with Councilor Henderson's position and she hopes this is addressed in the future. She stated she has 250,000 reasons to change her mind and they are all in the form of dollars. She said this is not a threat it is reality and \$250,000 of our operating costs next year

will come from the General Fund. She noted that she does not like signs cluttering up the community but just because her opinion has changed regarding adding additional staff to this year's budget does not mean that we cannot revisit this issue later. She said this will happen and it needs to happen but she is not sure it needs to happen in this budget year. She referred to the \$10,000 to the Robin Hood Festival and noted that this is contingent upon the Metro Community Enhancement Grant Fund. She said at the Budget Committee there was a motion to give the Robin Hood Festival Association (RHFA) \$10,000 and Susan Claus suggested that the City budget \$10,000 for the RHFA contingent upon whether or not they get the grant that they have applied for through the Metro Community Enhancement Grant Funding and if they receive the funding the \$10,000 stays in the budget.

Mayor Clark stated the motion is to return the \$31,352 from the contingency to the general budget and it has been seconded and discussed. She said this is a fiscally responsible issue. She commended the Police Department but said this item was not necessary according to multiple sources. She called for a vote.

VOTE: MOTION PASSED 3:2. (MAYOR CLARK, COUNCIL PRESIDENT HARRIS AND COUNCILOR KUIPER VOTED IN FAVOR. COUNCILOR HENDERSON AND KING VOTED AGAINST. COUNCILOR ROBINSON WAS ABSENT AND COUNCILOR BROUSE WAS RECUSED).

MOTION AS AMENDED: COUNCIL PRESIDENT HARRIS MOVED TO APPROVE RESOLUTION 2016-040 AS AMENDED, SECONDED BY MAYOR CLARK. MOTION PASSED 3:2. (MAYOR CLARK, COUNCIL PRESIDENT HARRIS AND COUNCILOR KUIPER VOTED IN FAVOR. COUNCILOR HENDERSON AND KING VOTED AGAINST. COUNCILOR ROBINSON WAS ABSENT AND COUNCILOR BROUSE WAS RECUSED).

Councilor Brouse returned to the dais and Mayor Clark addressed the next item on the agenda.

10. CITY MANAGER REPORT:

City Manager Joseph Gall said there was a misunderstanding with scheduling and there will be a presentation from Retired Colonel Herb Hirst with the United States Army who is a Department of Defense ESGR Outreach Representative. Mr. Hirst came forward and said this program was designed to help employers because of the deployment and the training of guards and reservists. He stated 50% of the nation's military is in the National Guard and Reserve. He stated that Sherwood Police Officer and National Guard Reservist Joseph Twigg nominated Police Chief Jeff Groth for a Patriot Award. Mr. Hirst read Officer Twigg's comments regarding the support he has received from Chief Groth and the entire Police Department in terms of his training and combat deployments. Officer Twigg's comments also mentioned that when he was overseas the department sent care packages and since returning from deployment he has had a demanding military schedule as a company level commander. Colonel Hirst commented on the sacrifices that cities, businesses and individuals make when they employ a reservist. He stated the Secretary of Defense provided Chief Jeff Groth and the Sherwood Police Department with a Patriot Award for their services. He presented the award to Mayor Clark.

Mr. Gall reminded the Council that there will not be a Council meeting on July 5 and the next meeting is July 19. He asked Public Works Director Craig Sheldon to come forward and discuss the boil water order that was issued this afternoon.

Mr. Sheldon said there was a pump failure at the Snyder pump station which feeds the southeastern part of the community. He said this is precautionary and nothing to be alarmed about. He stated that tomorrow they will get the results from the 7 samples they took. He said this is mandated by the State and they have no reason to believe there is contamination.

Councilor Kuiper asked how many pump stations does Sherwood have. Mr. Sheldon said there are 3 reservoirs and a couple different pump stations.

Mayor Clark addressed the next item on the agenda.

11. COUNCIL ANNOUNCEMENTS:

Mayor Clark announced that Councilor Robinson is recovering from surgery and thanked her for all of her service and hopes for a quick recovery. She congratulated the Sherwood High School graduates. She announced that Sherwood won the Dick Powers Picture Perfect Award for the small City float in the Portland Rose Festival for the second year in a row. She thanked Councilor Kuiper, Community Development Administrative Assistant Michelle Babcock and all the volunteers for their help. She congratulated the Sherwood High School Mixolydians for their second win as the best chorale group. She said Wednesday, July 6 is the first Music on the Green. She announced the Robin Hood Festival is July 15-17. She stated she will be having lunch on Friday with Senator Jeff Merkley and she will be advocating for federal transportation funding.

Council President Harris discussed the Cultural Arts Commission future which includes focusing on art education and outreach. She announced the summer art walk is Thursday and discussed the event and encouraged people to attend. She reported on Library events and said June 28 at 2 pm there is a free performance of Aztec dancing in Cannery Square. She stated there will be a bilingual story time at Stella Olsen Park next Thursday at 11:30 am and lunch will be served. She announced that the Library will be closed on July 4.

Councilor Kuiper commented on the oak tree at Woodhaven Park and said it is diseased and will need to be removed. She said staff is moving forward with the next phase of Woodhaven Park and construction will begin in August or September. She thanked her team for their help on the mini float and the funding from the City Manager's budget of \$2500. She said the total cost was \$5000 with over 100 hours from volunteers. She thanked Michelle Babcock and Sandy Wallace and many others for all of their help. She thanked Baggenstos family for providing space to construct the float. She commented that it was a community effort. She announced there are 146 volunteer positions that need to be filled for the Robin Hood festival.

Councilor Brouse said there will be a Wine Festival on Saturday at 503 Uncorked. She said she attended the School Board meeting and they honored recent retirees. She said the Sherwood Cruisin' was a success and the next Chamber event is the annual Awards Dinner on June 28. She

recognized Sherwood High School teacher John Niebergall who was honored with a Champion of Change Award at the White House.

Councilor Henderson said My Fair Lady is opening on Wednesday and running through Saturday. She thanked the City for their partnership. She announced that Missoula Children's theatre will take place at the Sherwood Center for the Arts this week with performances on Saturday. She said August 8-13 Missoula Children's Theatre will return with Aladdin. She said the Police Advisory Board met last week and discussed the language concerning recreational marijuana legislation. She asked staff about the status of the retail space in the Center for the Arts.

Assistant City Manager Tom Pessemier said there has been interest from two local restaurants and both have made proposals. He said one proposal is closer than the other and the City will begin negotiations with that party in the new future.

Council President Harris commented on bees and pesticides and said other communities have banned pesticides that are going to hurt bees and asked if Sherwood could do that.

Mr. Gall said staff can look at the pesticides we currently use and what other cities have done. He said staff can bring that information to a work session. Council agreed.


With no further announcements, Mayor Clark adjourned the meeting and convened to an Urban Renewal Agency Board meeting.

12. ADJOURN:

Meeting adjourned at 9:03 pm.

Attest:


Sylvia Murphy, MMC, City Recorder


Krisanna Clark, Mayor